

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

FREEDOM COALITION OF DOCTORS
FOR CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL
AND PREVENTION, and U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants.

Civil Action No. 2:23-CV-00102-Z

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Defendants Centers for Disease Control and Prevention (CDC) and the U.S. Department of Health and Human Services (HHS) (collectively, "Defendants") hereby respond to Plaintiff Freedom Coalition of Doctors for Choice (Doctors for Choice)'s motion for summary judgment. (Doc. 8.) Defendants oppose Doctors for Choice's motion because Defendants properly withheld the records at issue in this case pursuant to a FOIA exemption that protects information implicating a personal privacy interest from unwarranted disclosure. *See 5 U.S.C. § 552(b)(6).* Doctors for Choice also failed to demonstrate during the administrative process that it meets the necessary criteria to be eligible for a fee waiver—plus Plaintiff was never charged any fees. Finally, Defendants

did timely issue a decision on Doctors for Choice's appeal of the fee waiver denial, and Plaintiff is not entitled to any relief for any delays in issuing a decision on its appeal of the decision to withhold records.

Pursuant to local civil rule 56.4(b), each of the matters required by local civil rule 56.4(a) is set forth in the accompanying brief.¹ For the reasons given therein, Defendants request that Plaintiff's motion for summary judgment be denied.

Respectfully submitted,

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Attorneys for Defendants

¹ In accordance with the Court's November 13, 2023 order (Doc. 25), Defendants are filing a consolidated brief in support of both their cross-motion for summary judgment and their response to Plaintiff's motion for summary judgment.

CERTIFICATE OF SERVICE

On November 24, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Sarah E. Delaney
Sarah E. Delaney
Assistant United States Attorney